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ONYX1033-CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Leisa Johnson,
Ali Fattaey
Terry Hermiston
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Sylvie Laquerre

PATENT APPLICATION

Examiner: Unassigned

Art Unit: 1632

SC/Serial No.: Unknown

Filed: December 11, 2003

Title: AN ONCOLYTIC ADENOVIRUS

DECLARATION FOR C-I-P PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (**if only one name is listed below**), first and joint inventor (**if plural names are listed below**) of the subject matter which is claimed and for which a patent is sought on the invention of the present application:

Title of invention and of present application:

AN ONCOLYTIC ADENOVIRUS

The specification of the present application (check all that apply):

is filed herewith;

is a continuation-in-part of U.S. Serial No. 10/303,598; filed November 25, 2002; which is a continuation-in-part of U.S. Serial No. 09/714,409, filed November 14,

2000; which claims priority to U.S. Provisional Application No. 60/165,638; filed November 15, 1999.

I have reviewed and understand the contents of the above-identified specification for the present application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the examination of the present application in accordance with Title 37, Code of Federal Regulations, §1.56.

This present application in part discloses and claims subject matter disclosed in, and I hereby claim the benefit under Title 35, United States Code §120 of any United States prior application(s) listed below:

(1) <u>10/303,598</u> (SC/Serial No.)	<u>November 25, 2002</u> (Filing Date)	<u>Pending</u> (Status-pending)
(2) <u>09/714,409</u> (SC/Serial No.)	<u>November 14, 2000</u> (Filing Date)	<u>Pending</u> (Status-patented, pending, abandoned)

Insofar as the subject matter of each of the claims of the present application is not disclosed in the United States prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint **Gregory Giotta, Reg No. 32,028** and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

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4 Full name of fourth
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4 Inventor(s) signature: _____ Date _____

5 Full name of fifth
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5 Citizenship: Canada

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